

REMARKS

(A) STATUS OF THE APPLICATION

Applicants thank the Examiner for his clear explanation for withdrawing the previous rejections in the Office Action dated March 06, 2006.

(I) DISPOSITION OF CLAIMS

- (i) Claims 26-28, 30-33 and 35-39 are pending in the application.
- (ii) Claims 26, 28, 30, 35 and 36 have been rejected under 35 U.S.C. § 102(e).
- (iii) Claims 27, 31, 32, 33, 37, 38 and 39 have been rejected under 35 U.S.C. § 103(a).
- (iv) Claim 1-25, 29 and 34 have been canceled.

(II) APPLICANTS' ACTION

- (i) Applicants respond to the rejection of Claims 26-28, 30-33 and 35-39.
- (ii) Applicants have amended Claim 26.

(B) RESPONSE TO REJECTION UNDER 35 U.S.C. § 102(E)-CLAIMS 26, 28, 30, 35 AND 36

Claims 26, 28, 30, 35 and 36 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,177,377 to Chien (*hereinafter “Chien”*).

In response, Applicants have amended Claim 26 to recite that when both the first and second polymerization catalysts are metallocenes, a series of olefins of the formula $R^{18}CH=CH_2$ are present as monomers. Basis for the amendment is original claim 27.

Also, from the claims that were rejected (and those not rejected), Applicants assume that the Examiner meant to include only those claims in which two metallocene catalysts were used along with one α -olefin and ethylene, as was done in Examples 55 and 56 of Chien. Claim 26 has been amended to recite that when two metallocene catalysts are present, a series of olefins of the formula $R^{18}CH=CH_2$

are also present. Applicants respectfully submit that because in the said examples from Chien, only a single α -olefin is used along with two metallocene catalysts, this rejection is overcome.

(C) **RESPONSE TO REJECTION UNDER 35 U.S.C. § 103(A)- CLAIMS 27, 31, 32, 33, 37, 38 AND 39**

Claims 27, 31, 32, 33, 37, 38 and 39 have been rejected under 35 U.S.C. § 103(a) as obvious over Chien. Applicants believe that this rejection is applied to the instance when more than one olefin (a series of olefins) of the formula $R^{18}CH=CH_2$ are present. The Examiner especially points to the section at col. 11, lines 12-20 in Chien wherein it states that “[t]he [Chien] invention applies to catalyst compositions to polymerize more than one monomer to prepare compatible blends of homopolymers and copolymers of [sic] terpolymers.” The phrase “copolymers of terpolymers” does not make sense, but if we assume, *arguendo*, the phrase should have been “copolymer or terpolymers,” then the phrase relates to the terpolymers that are mentioned in the Chien patent.

However, this section then goes on to list some presumably typical copolymers and terpolymers which can be made. These are “ethylene-propylene copolymer, or ethylene-hexene copolymer, or ethylene-octene copolymer, or ethylene-propylene-ethylidene norbornene terpolymer, or ethylene-propylene-butadiene terpolymer, or ethylene-propylene-1,4-hexadiene terpolymer.” (It is unlikely that the metallocene catalysts could make an ethylene-propylene-butadiene terpolymer since butadiene is often a poison for metallocene catalysts.) The three terpolymers listed are clearly meant to be EPDM rubbers, that is terpolymers of ethylene, propylene and a (usually) nonconjugated diene. In fact the terpolymers containing 1,4-hexadiene and ethylidene norbornene were or are commercial EPDM rubbers.

Thus, Chien does not suggest the preparation of terpolymers in which there are two or more olefins of the formula $R^{18}CH=CH_2$ such as the ethylene-butene-hexene or ethylene-butene-octene terpolymers suggested by the Examiner (the terpolymers containing propylene mentioned by the Examiner are also not suggested by Chien and in addition are not included in the present claims). Perhaps with hindsight (knowledge of the present application) it would be obvious reading Chien

that his process could produce such terpolymers, but the only terpolymers suggested by Chien are those containing propylene and a diene, in addition to ethylene, much different than the starting materials and the products produced by the presently claimed process. Since a person of ordinary skill in the pertinent art would recognize the terpolymers of Chien as EPDM-type polymers, he would not be motivated to make terpolymers containing (at a minimum) ethylene and two different olefins of the formula $R^{18}CH=CH_2$. Therefore, Applicants respectfully submit that said Claims 27, 31, 32, 33, 37, 38 and 39 are not obvious over Chien.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that stated grounds of rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Office Action mailed on March 06, 2006.

Therefore, Applicants believe that the application stands in condition for allowance with withdrawal of all grounds of rejection. A Notice of Allowance is respectfully solicited. If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided.

Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928.

Respectfully Submitted,

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